

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ROCKY NEIL BOICE, JR.,

Petitioner,

vs.

NSP, WARDEN BILL DONAT, *et al.*,

Respondents.

3: 08-cv-00199-ECR-RAM

**ORDER**

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is represented by counsel. This case proceeds on the first amended petition filed December 19, 2008. (Docket #20.) On March 10, 2010, the court entered an order granting in part and denying in part respondents' motion to dismiss. (Docket #65.) The court dismissed grounds 8, 9 and 10 for lack of exhaustion and dismissed grounds 1(b) and 3 as time barred. *Id.*

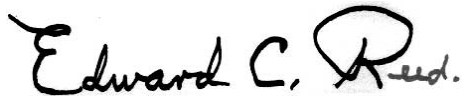
On April 9, 2010, petitioner filed a motion for partial dismissal of his petition. (Docket #66.) On April 16, 2010, petitioner filed a formal declaration of abandonment of grounds 8, 9 and 10. (Docket #67.)

1                   **IT IS THEREFORE ORDERED** that petitioner's motion for partial dismissal of  
2 unexhausted claims is **GRANTED**. (Docket #66.)

3                   **IT IS FURTHER ORDERED** that this case shall go forward without grounds 8, 9  
4 and 10, and grounds 1(b) and 3.

5                   **IT IS FURTHER ORDERED** that respondents shall file an answer to the remaining  
6 grounds for relief within thirty (30) days of the date of entry of this order. Petitioner may file a reply  
7 thirty (30) days thereafter.

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9                   DATED this 26th day of July, 2010.

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12                   UNITED STATES DISTRICT JUDGE  
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